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Attorney for Defendant Wesley Kjar

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY KJAR,

Defendant

No 3:16-cr-00051-18-BR

MOTION FOR MODIFICATION OF
RELEASE CONDITIONS – REMOVAL
OF LOCATION MONITORING AND
HOME DETENTION

[18 U.S.C. §3142(c)(3)]

I. CERTIFICATE OF COMPLIANCE WITH CONFERRAL ORDER.

Based on an email exchange with AUSA Craig Gabriel, counsel for defendant Wesley Kjar understands that the government takes no position on this motion for modification of defendant's release conditions.

II. POSITION OF OTHER DEFENDANTS.

This motion is being filed solely on behalf of defendant Wesley Kjar since it relates only to his release conditions and does not affect other defendants.

III. MOTION.

Pursuant to 18 U.S.C. §3142(c)(3), defendant Wesley Kjar moves for an order

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CONDITIONS – REMOVAL OF LOCATION MONITORING AND
HOME DETENTION

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modifying the conditions of his pretrial release removing the location monitoring condition which currently requires that he wear an active GPS Monitor ankle bracelet and that he abide by a home detention condition. The Honorable Stacie F. Beckerman imposed the location monitoring condition on March 2, 2016 in *United States v. Kjar, et al.*, #3:16-cr-00064-02-JO (CR 64 in case number 3:16-cr-00064-02-JO). The condition remained in place when the court amended Mr. Kjar's release order on March 4, 2016 (CR 67 in case number 3:16-cr-00064-02-JO).

This motion is made on the grounds that Mr. Kjar has performed well on pretrial release, that he has been continuously employed since returning to Utah following his release, that he has faithfully complied with the requirements of the location monitoring program, and that the electronic monitoring ankle bracelet and home detention schedule interfere with his current work obligations in the construction industry.

The government takes no position on the motion.

The Pretrial Services Office reports that removal of the location monitoring condition, including the home detention requirement, would be appropriate given Mr. Kjar's compliance with his release conditions.

This motion is supported by an accompanying declaration of counsel.

JAMES F. HALLEY, P.C.

/s James F. Halley

James F. Halley, OSB #91-175

Attorney for Wesley Kjar

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2016, I served the attached MOTION FOR MODIFICATION OF RELEASE CONDITIONS – REMOVAL OF LOCATION MONITORING AND HOME DETENTION [18 U.S.C. §3142(c)(3)] on:

Ethan Knight
Geoffrey Barrow
Craig Gabriel
Assistant United States Attorneys
1000 SW Third Ave, 6th Floor
Portland, OR 97204

by ___ having deposited in the United States Mail at Portland, Oregon a full, true and correct copy in a sealed envelope with postage prepaid, addressed as shown above, the last known address for the addressees listed;

by ___ having hand delivered to the attorneys shown above a full, true, and correct copy of the original.

by ☒ electronic filing.

/s James F. Halley

James F. Halley, OSB #91175

The foregoing is a true, correct and complete copy of the original.

James F. Halley, OSB #91175